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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,894	07/25/2001	Sachin G. Deshpande	SLA 1074	9084
52894	7590	10/19/2005		
KRIEGER INTELLECTUAL PROPERTY, INC. P.O. BOX 1073 CAMAS, WA 98607			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/915,894	Applicant(s) DESHPANDE ET AL.	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14, 20, 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This communication is responsive to RCE amendment filed on September 23, 2005, where applicant amended claims 1,9,13 and 21, and cancelled claims 14,20,22 and 23. Claims 1-13,15-19 and 21 are pending. The rejections cited are as stated below.

Response to Amendments

2. Examiner acknowledges amendment to the Abstract filed on 9/23/2005. The objection to the Abstract is withdrawn.
3. Examiner withdraws 112 second paragraph rejections in light of applicants amendments.

Response to Arguments

4. Applicant's arguments filed 9/23/2005 have been fully considered but they are not persuasive.
5. Applicant argues that Sivan requires storing two image files which differs from the invention.

In reply, Sivan teaches hosting an image file in the form of a high resolution image. Sivan teaches transmitting a representative part of that image, which is in the form of a low resolution image. (column 4 lines 15-35) The fact that this low resolution image is also stored on the server of Sivan does not make Sivan different than the claimed invention. The scope of the claims are broad and fail to explicitly delimit the properties of the 'representative part'.

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6. Applicant argues that Sivan does not teach parsing of the image file to obtain a customized image.

In reply, Sivan does teach parsing of the image file for determining additional parts to be sent to the client. This is done by the image processor (figure 4, #39) of Sivan, and is in the form of sending a higher resolution of a selected image portion (the higher resolution portion is the 'additional parts'). (column 8 lines 1-40) The claim language is broad and can therefore broadly be interpreted in this manner.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1,2,3,7,8,9,12 and 21 rejected under 35 U.S.C. 102(e) as being anticipated by Sivan et al (US Patent No 6,281,874).**

9. In reference to claims 1 and 21, Sivan teaches a method and an image server for image transmission (Abstract), said method comprising the acts of:

hosting an image file on a server (column 2 lines 45-50, column 4 lines 17-30 and column 7 lines 20-60);

transmitting a representative part of said image file to a client (column 2 lines 50-56 and column 4 lines 33-35);

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selecting a customization of said image file, based on said representative part, through a client interface on said client (column 3 lines 34-55 and column 4 lines 40-55);

transmitting said customization information from said client to said server (column 2 lines 55-60);

parsing said image file on said server to determine additional parts of said image file necessary for said customization (column 3 lines 42-55 and column 7 line 23 – column 8 line 30); and

transmitting said additional parts of said image file to said client (column 2 lines 60-67, column 8 lines 10-13 and figure 1).

In reference to claim 2, Sivan teaches the method of claim 1 wherein said representative part of said image file is a low-resolution version of said image. (column 4 lines 23-35)

10. In reference to claim 3, Sivan teaches the method of claim 1 wherein said client interface prompts a user for image customization data. (column 3 lines 30-40 and column 6 line 60 – column 7 line 15)

11. In reference to claim 7, Sivan teaches the method of claim 1 wherein said transmitting uses an HTTP transmission protocol. (column 6 lines 50-67 and column 7 lines 20-25)

12. In reference to claim 8, Sivan teaches the method of claim 1 wherein said selecting a customization of said image comprises selecting an image resolution below the maximum resolution available for said image. (column 4 lines 32-65 and column 5 lines 1-35)

13. In reference to claim 9, Sivan teaches the method of claim 1 wherein said transmitting said additional parts of said image file comprises streaming said additional parts of said image file to said client (column 4 lines 17-35 and column 6 lines 50-67).

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14. In reference to claim 12, Sivan teaches the method of claim 1 wherein said client caches data received from said server. (Summary, column 4 lines 20-45 and figures 1&4) It is inherent that the client would store the data received from the server.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 4 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Li, J. et al (ISO/IEC JTC1/SC29/WG1 N1473, February 1999).

Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein said selecting a customization comprises selecting data from the group consisting of quality data, scalability data, resolution data and region-of-interest (ROI) data; wherein said image file is a JPEG 2000 file; and wherein said transmitting said customization data comprises streaming said customization of said image to said client. However, Li, J teaches streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data for customized image viewing over a network (page 1, all; and page 2, first paragraph).

It would have been obvious for one of ordinary skill in the art to modify Sivan by streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data as per the teachings of Li, J for customized image viewing over a network.

17. Claims 5,13,15,16 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Duhault et al (US Patent No 5,900,868).

18. In reference to claims 5 and 13, Sivan teaches the method of claim 1 above. Sivan fails to explicitly teach wherein said selecting a customization comprises displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image. However, Duhault teaches displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image (Abstract, column 2 lines 10-35, column 5 lines 1-45 and column 6 lines 40-57).

It would have been obvious for one of ordinary skill in the art to modify Sivan by displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image as per the teachings of Duhault for the purpose customizing images.

19. In reference to claim 15, Sivan teaches the method of claim 13 wherein said selecting a customization of said image comprises selecting an image resolution below the maximum resolution available for said image. (column 2 lines 40-67, column 3 lines 15-55, column 4 lines 32-45 and figure 1)

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20. In reference to claim 16, Sivan teaches the method of claim 13 wherein said selecting a customized version of said image comprises selecting quality scalability (column 2 lines 40-67, column 3 lines 15-55, column 4 lines 32-45 and figure 1)

21. In reference to claim 19, Sivan teaches the method of claim 13 wherein said transmitting uses an HTTP transmission protocol. (column 6 lines 50-67 and column 7 lines 20-25)

22. Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Li, C et al (US Patent No 6,345,279).

23. In reference to claim 10, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein the size of said representative part is relative to the bandwidth of the connection between said server and said client interface. However, Li, C teaches a content adaptation process by using a client profile which includes the network bandwidth connection between the client and server for the purpose of customizing a multimedia file for a client (column 5 line 65 – column 6 line 49).

It would have been obvious for one of ordinary skill in the art to modify Sivan by making the size of said representative part is relative to the bandwidth of the connection between said server and said client interface as per the teachings of Li, C for the purpose of customizing a multimedia file for a client.

24. In reference to claim 11, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein said representative part comprises metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data. However,

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Li, C teaches multimedia data items with representations containing metadata for multimedia customization to be delivered to a client (column 1 lines 15-35 and column 4 line 57 – column 5 line 47).

It would have been obvious for one of ordinary skill in the art to modify Sivan by making the representative part comprise metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data as per the teachings of Li, C for multimedia customization to be delivered to a client.

25. Claims 17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Duhault et al (US Patent No 5,900,868) in further view of Li, J. et al (ISO/IEC JTC1/SC29/WG1 N1473, February 1999).

Sivan teaches the method of claim 13. Sivan fails to explicitly teach wherein said selecting a customization of said image comprises selecting a region of interest on said image; and wherein said image file is a JPEG 2000 image file. However, Li, J teaches streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data for customized image viewing over a network (page 1, all; and page 2, first paragraph).

It would have been obvious for one of ordinary skill in the art to modify Sivan by streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data as per the teachings of Li, J for customized image viewing over a network.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
October 13, 2005


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